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Patricia Bradshaw Is New Deputy Under Secretary of Defense for Civilian Personnel Policy

Patricia Bradshaw was appointed as Deputy Under Secretary of Defense (Civilian Personnel Policy) (DUSD(CPP)) effective January 8th. Previously, she spent 27 years with the Department of Defense (DoD) and Department of Navy (DON) in a variety of senior positions.

Upon her departure from the DON in 1999, she was the Senior Executive Director of Human Resources (HR) for the Naval Sea Systems Command, which has the largest civilian population within DON. In this position, she played a significant role in designing and implementing personnel demonstration projects in DoD laboratories. Prior to that, Ms. Bradshaw served as the Director for Staffing, Career Development, and Executive Resources in the Office of the DUSD(CPP).

After her departure from Federal service, Ms. Bradshaw served as the Deputy Chief of HR for American Management Systems, Incorporated, a large information technology (IT) consulting firm in Fairfax, VA. Most recently, she served as president of her own consulting firm, serving on Boards of Advisors for small and medium-sized companies and providing strategic and tactical HR consulting.

In announcing Ms. Bradshaw's appointment, Dr. David S. C. Chu, Under Secretary of Defense for Personnel and Readiness, said, "I am delighted that Ms. Bradshaw has accepted the Administration's invitation to join the Defense Human Resources team. She brings invaluable knowledge and proven leadership skills at a critical juncture in our history."

NSPS Implementation Update

NSPS Program Executive Office

The first phase of National Security Personnel System (NSPS) implementation, known as Spiral 1.1, is scheduled to begin on April 30th and will cover approximately 11,000 employees. Initially, Spiral 1.1 organizations will implement the new performance management system; employees will be converted to NSPS pay bands and additional HR flexibilities will be deployed later.

DoD Components are now in the process of identifying Spiral 1.2 and 1.3 organizations. These entities will be brought under NSPS in October 2006 and January 2007, respectively.

Meanwhile, a district court judge heard arguments on January 24th regarding labor

relations under NSPS. The judge has agreed to render a decision in the case by March 1st, and the Department has agreed that the labor relations provisions will not be implemented before that date. This lawsuit does not challenge the HR elements of NSPS, which include performance management, pay and classification, staffing, reduction in force, disciplinary actions, and appeals.

The Department is committed to making the NSPS transition as smooth as possible for the workforce. Over the past few months, a wide variety of activities have been conducted to ease the path ahead. Piloting classes and preparing instructors to teach the NSPS basics to all employees, managers, and supervisors, plus collaborating with the unions on implementing issuances, were the major undertakings involved.

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San Antonio, Texas, is "one of America's unique cities" (see profile of CARE's Gloria Garza, page 6). Above: The city's picturesque River Walk, lined with boutiques and restaurants, is a favorite destination for residents and visitors alike.



USERRA: Federal Employees Continue to be Covered by OPM Rules

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The Uniformed Services Employment and Re-Employment Rights Act (USERRA) of 1994, as amended, protects the re-employment and other rights of individuals who voluntarily or involuntarily leave their jobs to perform uniformed service. The Department of Labor (DoL) recently issued the final rules implementing USERRA. However, DoL clarified in the introductory portion of these rules that **Federal** employees' USERRA rights will continue to be governed by existing Office of Personnel Management (OPM) regulations at title 5, Code of Federal Regulations (CFR), part [353](#), Restoration to Duty from Uniformed Service or Compensable Injury.

Under USERRA, Federal employees returning from uniformed service are eligible for re-employment if:

- They gave written or verbal notice before leaving for military training or service, except when this was precluded by military necessity or was otherwise impossible;
- Their cumulative service in the uniformed services did not exceed five years (5 CFR 353.203 explains what may and may not be counted as "service");
- They were released from service under conditions other than dishonorable; and
- They report back to their Federal job or submit an

application for reemployment within the timeframes established in 5 CFR 353.205.

Persons meeting these eligibility criteria have four basic entitlements, as follows:

- Employees who served less than 91 days must be restored to the position that they would have attained if their employment had not been interrupted, provided they are qualified for that position. Employees who served more than 90 days have essentially the same rights, except that the agency has the option of placing an employee in a position of like seniority, status, and pay, for which the individual is qualified.
- Upon return or restoration, employees are generally entitled to be

treated as though they had never left for purposes of rights and benefits based upon length of service. This means that employees must be considered for career ladder promotions and that the time they spent in the military will be credited for purposes of seniority, successive within-grade increases, probation, career tenure, annual leave accrual rate, and severance pay.

- Entitlement to training, retraining, or other accommodations applies mainly in the case of a long period of absence or service-connected disability.
- Employees may not be demoted or separated while performing uniformed service. Additionally, depending on the length of uniformed

service, employees returning from active military duty are protected from reduction in force (RIF) for at least six months following restoration, and in some cases for a year. Employees may still be removed for cause, i.e., for poor performance, conduct, or suitability reasons.

Employers are required by law to notify employees of their rights under USERRA. DoL has prepared a [notice](#) to Federal employees, dated December 2005, that Federal employers may display where they customarily place notices for their employees to meet this statutory requirement. However, employers may provide the notice in other ways (e.g., e-mail) to minimize costs while ensuring the full text of the notice is provided.

Final Rule Clarifies Veterans' Recruitment Appointments

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The Jobs for Veterans Act (Public Law 107-288), November 7, 2002, renamed the veterans' **readjustment** appointment as veterans' **recruitment** appointment (VRA). The Act also made immediate, major changes in eligibility criteria for these appointments. Proposed regulations to implement various provisions of the Act were issued for comment during November 2004. The regulatory process has now resulted in a [final rule](#) that

clarifies several items, as follows:

- The Act's definition of "covered veteran" does not encompass all five-point veterans. OPM intends to include guidance on this point when updating its [Vet Guide](#).
- For recently separated veterans, the VRA effective date must occur before the end of the three-year eligibility period following separation. This period may not be extended.
- In the context of a covered veteran, "war" is any armed conflict de-

clared as such by Congress.

- To be eligible for a VRA without being disabled or recently separated, or having served in a war, an individual must have actually received a [campaign badge](#), expeditionary medal, or Armed Forces Service Medal.
- Individuals may receive any number of VRA appointments, provided they meet the definition of "covered veteran" at the time of each appointment and are otherwise qualified for the position being filled.



Investment Review Boards Are Established for DoD Information Technology Investments

Regionalization & Systems Modernization (REGMOD) [E-mail us](#)

The Department's continuing investment in civilian HR IT systems is no small matter. How can the Department determine if its investment level is too high—or too low, given the seismic shift in recent years from a capital- to an information-intensive business environment? To state the question more broadly, how can such investments be prudently managed?

The Clinger-Cohen Act of 1996 provides part of the answer. This landmark legislation required agencies to articulate their visions, strategies, and enterprise architectures, and to perform due diligence, before investing in IT systems. The E-Government Act of 2002 also guides the Federal IT management process.

Additionally, in 2004 the Government Accountability Office (GAO) published an Executive Guide that emphasized IT portfolio management. The portfolio approach is a major step forward from project-centric processes, GAO said, because it involves evaluating potential investments by how well they support the agency's missions, strategies, and goals.

More recently, in section 332 of the National Defense Authorization Act (NDAA) for FY 2005 (Public Law

108-375), October 28, 2004, Congress directed that the Principal Staff Assistants to the Secretary of Defense be provided greater authority and responsibility for managing their respective IT portfolios. As a result, the Department has established investment review boards (IRBs) for each core business mission (CBM). The IRBs are as follows:

- Financial Management, chaired by the Under Secretary of Defense (USD) (Comptroller);
- Weapon Systems Lifecycle Management, Materiel Supply and Service Management, and Real Property and Installations Lifecycle Management, chaired by the USD (Acquisition, Technology, and Logistics); and
- Human Resources Management (HRM), chaired by the USD (Personnel and Readiness) (P&R).

Each IRB supports the Defense Business Systems Management Committee (DBSMC), which was chartered in February 2005 and is chaired by the Deputy Secretary of Defense. The DBSMC is the approval authority for all IRB recommendations for Defense business systems.

Section 2222 of title 10, United States Code

(U.S.C.), as enacted by Section 332 of the NDAA for FY 2005, made the USD (P&R) "responsible and accountable for any defense business system the primary purpose of which is to support human resources management activities of the Department of Defense." It also provided that, "Effective October 1, 2005, funds appropriated to the Department of Defense may not be obligated for a defense system modernization

that will have a total cost in excess of \$1,000,000" unless the system is certified as consistent with the enterprise architecture. Failure to comply would violate 31 U.S.C. 1341(a)(1) (A), i.e., the Antideficiency Act, which is the basic Federal fiscal law to prevent over-expenditure of funds. Section 2222 further requires annual review of every Defense business sys-

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Use of Outstanding Scholar Appointing Authority Is Temporarily Suspended

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The Department of Defense has temporarily [suspended](#) use of the outstanding scholar appointing authority in response to a 2005 Merit Systems Protection Board (MSPB) decision, *Dean v. Department of Agriculture*. OPM has temporarily suspended its own internal use of this authority, advised each agency to determine its own appropriate course of action regarding *Dean*, and notified MSPB of its intent to request reconsideration of this decision.

DoD Components must cancel all affected vacancy announcements for which a selectee had not been notified of selection. Although

use of the outstanding scholar appointing authority has been temporarily suspended, these applicants remain eligible for employment through the following sources:

- Open competitive examining procedures;
- The Student Career Experience Program;
- The Federal Career Intern Program; and
- The Presidential Management Fellows Program for appointment in the competitive service.

The Department may issue additional guidance after MSPB has ruled on the OPM request for reconsideration.



DoD Workforce Demographics at Your Fingertips

Regionalization & Systems Modernization (REGMOD) [E-mail us](#)

The Regionalization and Systems Modernization (REGMOD) Division has developed a comprehensive set of DoD civilian workforce demographics, which will soon be made available on the CPMS external Web site. This demographics compilation provides approximately 40 different summary-level reports and charts of the DoD civilian workforce, to

include counts by Component/Service, pay plan, grade, gender, and race and national origin, to name just a few.

Data contained in these reports are extracted from DCPDS at the end of each month and will be posted to the CPMS external Web site by the 15th of the following month. The first compilation will contain December 2005 data and be posted by February 15th. Ultimately,

six months of workforce demographics will be available at any given time.

Plans are underway to develop the workforce demographics as standard reports in the Corporate Management Information System—Revised, available through the business objects [manager's dashboard](#) application. In the near future, designated DoD executives and managers will have access to these demograph-

ics through the dashboard application. This will enable them to run demographics reports and receive real-time results, instead of monthly snapshots.

Stay tuned for the announcement of the DoD demographics link in the next issue of the *CPMS Express*.

REGMOD Reviews IRB Packages

(Continued from page 3)

tem investment within the HRM CBM.

The OUSD(P&R) Joint Requirements and Integration Office serves as the gatekeeper for HRM system certification package submissions by the Components. In September 2005, the Defense Civilian Personnel Data System (DCPDS) Program Manager—namely, REGMOD—was designated as the pre-certification authority for assessing civilian HRM system certification packages.

REGMOD has reviewed 54 IRB certification packages through December 2005. The new investment review process provides greater insight and improves DoD resources management by eliminating IT systems that duplicate the functionality of enterprise systems such as DCPDS.

Transition Assistance Authorities Extended for Employees Affected by Base Realignment and Closure

Civilian Assistance and Re-Employment (CARE) [E-mail us](#)

The National Defense Authorization Act for FY 2006 (Public Law 109-163), January 6, 2006, extends three DoD transition assistance authorities that benefit employees affected by workforce reductions and restructuring, including actions related to Base Realignment and Closure (BRAC). These authorities will be discussed, in turn, below.

FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB) SUBSIDIZED TEMPORARY CONTINUATION OF COVERAGE. The legal authority in 5 U.S.C. 8905a(d)(4) was extended from October 1, 2006, to October 1, 2010—or to February 1, 2011, if a specific RIF notice was is-

sued before October 1, 2010. This authority allows DoD employees who are involuntarily separated, or voluntarily separated from a surplus position due to RIF, to pay only the employee share of the FEHB premium during the 18-month period immediately following separation. The employee's former agency continues to pay the Government's share of the premium, plus the two-percent administrative fee.

LUMP-SUM PAYMENT OF SEVERANCE PAY. The legal authority in 5 U.S.C. 5595 (i) was extended from October 1, 2006, to October 1, 2010. This continues the Department's authority to provide a lump-sum option for employees eligible for severance pay.

VOLUNTARY REDUCTION IN FORCE. The legal authority in 5 U.S.C. 3502(f) was extended from September 30, 2005, to September 30, 2010. Under this authority, employees may volunteer for separation in a RIF even if they are not otherwise subject to RIF separation. The use of this provision allows DoD installations to minimize the impact of downsizing by encouraging employees to volunteer for RIF separation, rather than separating other employees scheduled to be involuntarily separated by RIF procedures.

Additional information on these and other transition assistance tools is available on our BRAC transition Web site at www.cpm.s.osd.mil/bractransition.



"Don't Make a Federal Case" Out of Grievances, Justice Dept. Tells High Court

Labor and Employee Relations [E-mail us](#)

The Civil Service Reform Act (CSRA) provides that procedures established by collective bargaining agreements (CBAs) are the exclusive administrative procedures for resolving employment grievances (5 U.S.C. 7121(a)). In *Whitman v. Department of Transportation*, the Department of Justice argued before the Supreme Court in December 2005 that employees must exhaust administrative procedures before going to court, even if they have a legitimate constitutional claim. The case is significant, given the large number of employees potentially affected.

Petitioner Terry L. Whitman originally sued in Federal district court, alleging his employer, the Federal Aviation Administration (FAA), disproportionately tested him for substance abuse and thus violated his constitutional and statutory rights. FAA mandates random drug tests for employees with Whitman's job responsibilities, but he believed he was being tested much more often than others.

The district court denied his claim, stating that it lacked jurisdiction because the CSRA governed his complaint, and required him to follow the exclusive administrative procedures (the negotiated grievance/arbitration clause in his CBA). The Ninth Circuit

Court of Appeals affirmed the district court's decision that it lacked jurisdiction. The Supreme Court granted *certiorari* because the Ninth Circuit decision created a split with two other circuits.

The CSRA requires CBAs to include procedures for resolving grievances and defines "grievance" broadly to include Whitman's

claims. Before 1994, the CSRA provided that the collectively bargained procedures "shall be the exclusive procedures for resolving grievances." A 1994 amendment provided that the collectively bargained procedures "shall be the exclusive **administrative** procedures for resolving grievances" (emphasis added). Although the Fed-

eral and Eleventh Circuits have held that the 1994 amendment established an employee's right to seek a judicial remedy, the Ninth Circuit rejected the rationale of its sister circuits.

A ruling is expected before the Supreme Court's term ends this summer. We will furnish an update when the *Whitman* decision is issued.

Nominations for DLAMP Class of '06 Are Due in April

Defense Leadership & Management Program (DLAMP) [E-mail us](#)

Our [announcement](#) soliciting nominations for the Defense Leadership and Management Program (DLAMP) Class of 2006 is now on the DLAMP Web site. Nominations with Component endorsement must be submitted to the DLAMP Office no later than April 14th. Please watch for your Component's announcement and pass the word to your organization's top candidates.

Nominees must be permanent, full-time DoD civilians. As a rule, they must occupy a GS-14 or 15 (or equivalent) position on a permanent basis, but senior GS-13s or equivalent with significant leadership and management experience may also be considered. Candidates must possess a baccalaureate degree from an accredited institution or be willing and able to earn one (without DLAMP funding) before they begin DLAMP activities.

Each Component will establish a procedure to consider applicants' potential for DoD senior leadership positions. Successful nominations will be reviewed and ratified by the [DLAMP Council](#). Selection criteria include the following: OPM executive core qualifications; broad Defense perspective; educational history that demonstrates ability or potential to complete academic requirements; depth and breadth of experience in one or more broad functional areas in which the Department employs managers and leaders; and supervisory recommendation addressing the employee's potential for senior leadership positions.

The superior candidate is one in whom management recognizes a high degree of potential for executive-level positions. Generally, this individual has:

- A broad and varied work history, including leadership and managerial experience, a con-

sistent record of outstanding achievement, and progression through positions of increasing responsibility at a faster-than-average pace;

- Successfully completed Component-sponsored leadership programs and other developmental activities toward attaining career goals;
- The competence, confidence, and motivation to be a bold and innovative leader in the public sector; and
- Career goals that support an expectation of return on investment.

Materials to assist in marketing this opportunity may be downloaded from the DLAMP [Web site](#). These include a series of fact sheets on various aspects of DLAMP, the standard DLAMP briefing, and a new tri-fold brochure titled, "Essential Facts about DLAMP for DoD Executives and Managers."



CPMS Personnel-ity Profile CARE's Gloria Garza Honors Traditions of the Southwest

January 6th is celebrated throughout the Spanish-speaking world as *el Día de los Tres Magos*. This feast day commemorates the Biblical wise men who bore gifts to Bethlehem. Many Hispanic children receive presents from the three kings in addition to (or even instead of) Santa.

Like unwrapping presents, another tradition of the day is unwrapping tamales: removing the cornhusks to reveal the warm, doughy cornmeal (*masa*) filled with spiced meat or chicken. Preparing food can be as much fun as eating it when families gather in the kitchen to make the tamales assembly-line style. "For January 6th, one of my brothers and I planned a *tamalada* with other family members," said Gloria Garza of CARE's San Antonio, TX, office. "The older generation is intent on passing along the tradition to the younger one."

A San Antonio native, Gloria says it is "one of America's unique cities, like Santa Fe or San Francisco. While Mexican food (Tex-Mex, actually) is prevalent in south Texas, people may not realize there is a lot of variety in the local cuisine.

"Culturally, San Antonio is very diverse. We have the Alamo, a seat of Texas independence. Institutions of higher learning range from community college to Ph.D.-granting universities, including the University of Texas at San Antonio.

"Our museums are world-class, and the performing arts are thriving. For instance, the Majestic Theatre was restored and expanded in the past decade." A 1929 masterpiece of Mediterranean architecture, the Majestic is now a designated National Historic Landmark. It houses the city's symphony orchestra and is a venue for Broadway touring and other productions.

Gloria's husband Rudy, an Army retiree, is a personnelist at Ft. Sam Houston, TX. His military assignments included tours in Vietnam, Saudi Arabia, and Germany, and at Ft. Bliss, TX. Gloria spent her early years in civilian HR with Army, in Texas and Germany.

She recalls with satisfaction her role as chief of the Civilian Personnel Advisory Center (CPAC) in Kitzingen, Germany. "We were regionalizing in the mid-'90s, so we had to redefine organizational relationships: how we dealt with our hierarchies, how our commands had changed. Then, the individual CPACs were realigned under Area Support Battalion commanders. Despite the challenges, I became a cheerleader for regionalization."

Another career highlight occurred with the Civilian Personnel Operations Center Management Agency (CPOCMA). "I led teams that visited CPOCs to boost their productivity. It was interesting to work with

team members from all over the country, and the 'SWAT team' concept worked amazing well."

After serving as the Deputy Director of U.S. Forces Korea and 8th Army, in 2003 Gloria joined CARE. "I am one of only six CARE Program Coordinators. Each of us provides service to installations in the U.S. and overseas. Being familiar with only the Department of the Army previously, I now enjoy learning about the other DoD Components."

Gloria and Rudy are proud of their daughters. Tamara Marie, 25, an honors graduate of Washington College, is employed at the University of the Sciences in Philadelphia. Annaliese Celest, 23, was recognized as an outstanding automotive technician by the Universal Technical Institute. She was handpicked for a training program that leads to a position with Audi.

The couple's leisure pursuits include volunteering with the Girl Scouts. "I am a lifetime member and have been active for more than 25 years," Gloria said. "My husband and I both served as troop leaders for a number of years, and he was actually a voting member of our council at one time. We believe it is one of the foremost organizations for helping young women define themselves and grow in a safe and challenging environment."

CAREER BRIEF

EDUCATION: BA summa cum laude in business and management, University of Maryland, 1985. One of 125 Component nominees admitted to DLAMP, 2005.

EXPERIENCE: 1970s-1984: Various administrative positions. **1978-1984:** Naval reservist. **1985:** Intern in Ft. Bliss Civilian Personnel Office. **1988:** Management-Employee Relations (MER) Specialist, Ft. Bliss. **1990:** Equal Employment Opportunity (EEO) Specialist, Ft. Bliss. **1992:** MER Specialist, Wuerzburg, Germany. **1993:** EEO Officer, GS-12, Kitzingen, Germany. **1995:** CPAC Chief, Kitzingen. **1997:** Staffing Team Leader, CPOC, Ft. Riley, KS. **2000:** HR Specialist, GS-13, with the Productivity Enhancement Division, CPOCMA, Aberdeen Proving Ground, MD. **2001:** Deputy Director of U.S. Forces Korea and 8th U.S. Army, GS-14. **2003 to Date:** CARE Program Coordinator.

CPMS Employment

CPMS vacancies are posted at <http://www.hr.dla.mil/onjams/splash.htm>. From that Web page, click on the "Job Opportunity Announcement Search Page" link, scroll down to "Organization Options," select "Hq/CPMS," and scroll down to announcement numbers that start with "CPMS."